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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,920	07/08/2003	Asad S. Ali	04043(3883.00020)	7890

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LEAR CORPORATION, BLISS MCGLYNN, P.C.  
2075 WEST BIG BEAVER ROAD  
SUITE 600  
TROY, MI 48084

EXAMINER

D ADAMO, STEPHEN D

ART UNIT PAPER NUMBER

3636

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/614,920	<b>Applicant(s)</b> ALI ET AL. <span style="float: right;">E</span>	
	<b>Examiner</b> Stephen D'Adamo	<b>Art Unit</b> 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 September 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-14 is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6,15-17 and 20 is/are rejected.
- 7) ☒ Claim(s) 4,7,8,18 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stiller (2002/0101109).

Stiller discloses a fastener assembly for a seat 20 including a seat frame having brackets to secure the seat to a vehicle, a central seating region 24 and a central back region 22. A number of fastener assemblies 34 secure the trim cover 30 to the foam pad 26 on both the seat region and back region. The fastener assemblies include an elongate wedge or bulbous member 58 engaged with the trim material and a receiving member or locking portion 42 engaged to the padding. The bulbous member 58 further includes a wedge tip and the side walls form a channel for receiving the trim material. The locking portion 42 includes a base 50 including an elevated platform. The elevated portion is the thickness of the base, as seen in Figures 3-5. Further, the elevated platform, as disclosed in Figures 7 and 8, are engaged in the padding and disposed in a spaced relation relative to the base of the padding and seat cushion. The locking portion further includes cantilevered retention tabs 44, with legs 46, extending from the elevated platform comprising guide decks or barbs 48 and an engaging flange, located at the terminal end of the barbs, adapted to releasably engage the terminal end of the elongate wedge. However, the

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channels elongate wedge comprises vertical channels with a substantially U-shaped channel. Yet, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the fastener assembly of Stiller with V-shaped channels, which would inherently make the side walls extend angularly outward. Since the applicant's specification does not state that the V-shaped channel, as claimed, solves any particular problem or produces any unexpected result, whether the channel and sidewalls are U-shaped or V-shaped is merely a matter of engineering design choice, and thus does not serve to patentably distinguish the claimed invention over the prior art. Note, the retention tabs 44 disclose the guide decks extending downward from the retention tabs.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stiller (2002/0101109) in view of Mizuno et al. (4,833,741).

Stiller discloses a fastener assembly for a seat 20 including a number of fastener assemblies 34 secure the trim cover 30 to the foam pad 26 on both the seat region and back region. The fastener assemblies include an elongate wedge or bulbous member 58 engaged with the trim material and a receiving member or locking portion 42 engaged to the padding. The bulbous member 58 further includes a wedge tip and the side walls form a channel for receiving the trim material. The locking portion 42 includes a base 50 including an elevated platform. The elevated portion is the thickness of the base, as seen in Figures 3-5. The locking portion further includes cantilevered retention tabs 44, with legs 46, extending from the elevated platform comprising guide decks or barbs 48 and an engaging flange, located at the terminal end of the barbs, adapted to releasably engage the

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terminal end of the elongate wedge. However, Stiller fails to expressly disclose ridges extending parallel to the wedge tip. Yet Mizuno teaches a clipping member, similar to the wedge or bulbous member having teeth 27a to positively hold the covering member 22 between the finger portions thereof by the teeth 27a of the clipping member (col.3, lines 38-40). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the fastener assembly of Stiller with teeth or ribs 27a for holding the trim material within the wedge or bulbous member 58.

Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stiller (2002/0101109) in view of Schmidt (2003/0001421).

Stiller discloses a fastener assembly for a seat including an elongate wedge or bulbous member 58 and a receiving member or locking portion 42. The locking portion includes a plurality of retention tabs extending upward thereon. Furthermore, Stiller teaches of rectangular arms 52 connecting the locking portions together. However, Stiller fails to expressly disclose a flexible elongate ganging member connecting the locking portions together. Yet, Schmidt discloses an attachment mechanism for an upholstered seat including a flexible elongate ganging member. Schmidt teaches of receiving members or holding mechanisms 4. "The elastic tabs 7 shown in Figure 3 can also connect the individual pieces of the holding mechanism 4 with one another" (paragraph 0019, lines 7-8). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the fastener assembly of Stiller, specifically the rectangular arms 52 with elastic tabs or a ganging member, as taught by Schmidt, for providing a more flexible fastener assembly.

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Claims 13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stiller (2002/0101109) in view of Radke (3,632,164)

Stiller discloses a fastener assembly for a seat including an elongate wedge or bulbous member 58 and a receiving member or locking portion 42. The locking portion includes a plurality of retention tabs extending upward thereon. Moreover, Stiller teaches, “the most preferred embodiment of the locking portion 42 includes the series of square bases 50” (paragraph 0030, lines 3-5). Stiller fails to expressly disclose circular bases.

However, in light of the specification of the current application, the applicant acknowledges, “the base may be octagonal, hexagonal, or other substantially circular shape having defined corners” (page 10, lines 17-18). Moreover, the Radke discloses a vehicle seat having an improved seat cover attachment system including a plurality of apertures 17 on a circular anchor means or base 21. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the fastener assembly of Stiller with a circular base, as taught by Radke, to provide a safer anchoring means without sharp corners. Note, Stiller’s square base is substantially a circular shape having defined corners, similar to a octagon or hexagon.

***Allowable Subject Matter***

2. Claims 9-14 are allowed.
3. Claims 4, 7, 8, 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

1. Applicant's arguments filed 28 September 2004 have been fully considered but they are not persuasive.

In response to applicant's arguments that Stiller fails to disclose or suggest the elevated platform is disposed in spaced relation to the base is acknowledged. However, Stiller discloses the locking portion 42 includes a base 50 including an elevated platform. The elevated portion is the thickness of the base, as seen in Figures 3-5. Further, the elevated platform, as disclosed in Figures 7 and 8, are engaged in the padding and disposed in a spaced relation relative to the base of the padding and seat cushion. The explanation has also been included in the above rejection.

In response to applicant's argument that the examiner's conclusion of obviousness, regarding Stiller's V-shaped channel, is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen D'Adamo whose telephone number is 703-305-8173. The examiner can normally be reached on Monday-Thursday 6:00-3:30, 2nd Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pete Cuomo can be reached on 703-308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SD

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December 1, 2004

  
Peter M. Cuomo  
Supervisory Patent Examiner  
Technology Center 3600